

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

UNIVERSITY OF NEBRASKA AT
KEARNEY, et al,

Defendants.

4:11CV3209

MEMORANDUM AND ORDER

The court has thoroughly reviewed the parties' respective arguments and evidence on the pending motion for protective order, (Filing No. 62), and has concluded the ruling on the motion depends on the following issues:

As to the issue of liability, why and to what degree does it make a difference whether the defendants knew or had reason to know that their alleged discriminatory conduct could violate the Fair Housing Act? Simply stated, even assuming the defendants' conduct violated the FHA, must the United States prove anything other than the violation itself--does the defendants' degree of culpability make a difference?

As to the remedy, assuming the USA prevails, can it recover punitive damages from these defendants?

The parties' pending filings, including the summary judgment filings, do not fully address these issues. The parties should be afforded the opportunity to address these threshold issues before the court rules on the motion for protective order. Accordingly,

IT IS ORDERED:

- 1) On or before February 4, 2013, the parties shall file their respective briefs on the issues identified in this memorandum and order.
- 2) Any responsive briefs shall be filed on or before February 19, 2013.
- 3) The motion for protective order will be deemed fully submitted on February 20, 2013.

January 18, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge